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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,372	12/19/2000	Samuel N. Zellner	00137	4936

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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 10/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,372	ZELLNER ET AL.	
	Examiner	Art Unit	
	Brandon J Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/15/03* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7, 9-10, 14-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart in view of Weiland.

Regarding claim 1 Stewart teaches obtaining an identity of a user operating a wireless communication device (see col. 11, lines 66-67 and col. 12, lines 25-28). Stewart teaches obtaining first location information about a first location of the user (see col. 6, lines 15-20). Stewart teaches transferring the first information about the first location of the user to a third party (see col. 18, lines 36-37). Stewart teaches obtaining identity information and location information from a mobile user but only mentions transferring the information regarding location of a user to a third party (see col. 18, lines 32-37). Stewart teaches an access point not transferring identity information of a mobile user to a third party (see col. 17, lines 59-60). Stewart does not specifically teach providing an identity-blocking service. Weiland teaches providing an identity-blocking service (see col. 7, lines 49-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include providing an identity-blocking service because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 2 Stewart and Weiland teach a device as recited in claim 1 except for charging a fee to a user for blocking the identity of a user from being disclosed to a third party. Stewart does teach obtaining identity information and location information from a mobile user but only mentions transferring the information regarding location of a user to a third party (see col. 18, lines 32-37). Stewart does teach an access point not transferring identity information of a mobile user to a third party (see col. 17, lines 59-60). Stewart does teach charging a fee for a provided service (see col. 29, lines 21-23). Weiland does teach providing an identity-blocking service (see col. 7, lines 49-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include charging a fee to a user for blocking the identity of a user from being disclosed to a third party because this would allow for subscriber information used in WEB based distribution of advertisements to be available at a charge.

Regarding claim 3 Stewart teaches a third party that is an advertiser desirous of sending an advertisement to a wireless communication device (see col. 17, lines 52-55).

Regarding claim 4 Stewart teaches a variety of user specific information about the identity of a user and storing the information about the identity of the user (see col. 10, lines 8-18).

Regarding claim 7 Stewart teaches storing information that includes a maintaining a database to store information therein (see col. 10, lines 8-18).

Regarding claim 9 Stewart teaches receiving information about the location of a user supplied by a wireless communication device (see col. 18, lines 36-37).

Regarding claim 10 Stewart teaches obtaining information about a location of a user when a user moves a pre-determined distance from a first location; and transferring the information about the second location of the user to a third party without disclosing the identity of the user to the third party (see col. 17, lines 49-50 & 59-62).

Regarding claim 14 Stewart and Weiland teach a device as recited in claim 1 except for allowing a user to unblock disclosure of the identity of a user to a third party. Stewart does teach allowing the disclosure of the identity of a user to a third party (see col. 18, lines 10-11). Weiland does teach an identity blocking service that can be activated or de-activated using a feature code (see col. 7, lines 45-46 & 49-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include allowing a user to unblock disclosure of the identity of a user to a third party because this would allow for direct communication between a WEB based advertisement distributor and a wireless subscriber.

Regarding claim 15 Stewart and Weiland teach a device as recited in claim 1 except for allowing a user to unblock disclosure of the identity of a user over the Internet. Stewart does teach allowing the disclosure of the identity of a user to a third party (see col. 18, lines 10-11). Stewart does teach a service provider coupled to the Internet (see col. 6, lines 25-29). Weiland does teach an identity blocking service that can be activated or de-activated using a feature code (see col. 7, lines 45-46 & 49-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include allowing a user to unblock disclosure of the identity of a user to a third party because this would allow for direct communication between a WEB based advertisement distributor and a wireless subscriber.

Regarding claim 16 Stewart teaches providing information about a location of a user operating a wireless communication device (see col. 18, lines 36-37). Stewart teaches obtaining an identity of a user operating a wireless communication device (see col. 11, lines 66-67 and col. 12, lines 25-28). Stewart teaches obtaining location information about a location of the user (see col. 6, lines 15-20). Stewart teaches transmitting information about the location of the user to a subscriber desirous of sending an advertisement to the wireless communication device (see col. 17, lines 52-55 and col. 18, lines 36-37). Stewart does not specifically teach transferring information regarding location of a user without disclosing the identity of the user to a third party. Stewart does teach obtaining identity information and location information from a mobile user but only mentions transferring the information regarding location of a user to a third party (see col. 18, lines 32-37). Stewart does teach an access point not transferring identity information of a mobile user to a third party (see col. 17, lines 59-60). Weiland teaches not transferring identity information in a wireless system (see col. 7, lines 49-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include transferring information regarding location of a user without disclosing the identity of the user to a third party because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 17 Stewart and Weiland teach a device as recited in claim 16 except for charging a fee to a user for preventing the disclosure of the identity of the user to the subscriber. Stewart does teach charging a fee to access a provided service in a wireless communication system (see col. 29, lines 21-23). Weiland does teach preventing the disclosure of the identity of a user, using a feature code (see col. 7, lines 48-50). Access to the provided

feature code service in Weiland could be modified to include the service access fee in Stewart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include charging a fee to a user for preventing the disclosure of the identity of the user to the subscriber because this would allow for subscriber information used in WEB based distribution of advertisements to be available at a charge.

Regarding claim 18 Stewart teaches a variety of user specific information about the identity of a user and storing the information about the identity of the user (see col. 10, lines 8-18).

Regarding claim 25 Stewart and Weiland teach a device as recited in claim 15 and is rejected given the same reasoning as above.

Claims 5-6, 8, 11-12, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart in view of Weiland and Boyd.

Regarding claim 5 Stewart and Weiland teach a device as recited in claim 4 except for providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device. Boyd teaches providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device (see col. 6, lines 3-15). It would have been obvious to one of ordinary skill in the art to make the invention adapt to include providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device because this would allow for targeted advertisements to be delivered to wireless subscribers using information associated with or retrieved using an identifying signal.

Regarding claim 6 Stewart and Weiland teach a device as recited in claim 4 except for providing information about the identity of a user that is performed when a user signs up for an identity-blocking service. Boyd teaches providing information about the identity of a user that is performed when a user signs up for a communication service (see col. 6, lines 3-15). Weiland does teach providing a communication service that is an identity-blocking service (see col. 7, lines 49-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include providing information about the identity of a user that is performed when a user signs up for an identity-blocking service because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 8 Boyd teaches monitoring one or more signals transmitted by a wireless communication device operated by a user and determining the location of a user based on an analysis of one or more signals (see col. 12, lines 23-36).

Regarding claim 11 Baker teaches monitoring the movement of a user operating a wireless communication device and sending an indication when the user is found to be in a substantially continuous motion (see col. 12, lines 24-40).

Regarding claim 12 Boyd teaches charging a fee to a third party for an information service (see col. 8, lines 45-50).

Regarding claim 19 Stewart and Weiland teach a device as recited in claim 16 except for obtaining data from the user is accomplished when a user signs up for a communication service that allow a user to operate a wireless communication device. Boyd teaches providing information about the identity of a user that is performed when a user signs up for a

communication service that allow a user to operate a wireless communication device (see col. 6, lines 3-15). It would have been obvious to one of ordinary skill in the art to make the invention adapt to include obtaining data from the user is accomplished when a user signs up for a communication service that allow a user to operate a wireless communication device because this would allow for targeted advertisements to be delivered to wireless subscribers using information associated with or retrieved using an identifying signal.

Regarding claim 20 Boyd teaches monitoring one or more signals transmitted by a wireless communication device operated by a user and determining the location of a user based on an analysis of one or more signals (see col. 12, lines 23-36).

Regarding claim 21 Boyd teaches charging a fee to a subscriber for an information service (see col. 8, lines 45-50) and providing information about the location of a user (see col. 12, lines 23-26).

Regarding claim 22 Boyd teaches monitoring the movement of a user operating a wireless communication device; and informing a subscriber at pre-determined intervals about changes in location of the user (see col. 12, lines 23-40).

Regarding claim 23 Boyd teaches a device as recited in claim 22 except for informing a subscriber over the Internet. Stewart does teach a service provider coupled to the Internet (see col. 6, lines 25-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include informing a subscriber over the Internet because this would allow for direct communication between a WEB based advertisement distributor and a wireless subscriber.

Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart in view of Weiland and Hidary.

Regarding claim 13 Stewart and Weiland teach a device as recited in claim 1 except for disclosing the identity of a user to an emergency service provider when a user request emergency help. Stewart does teach disclosing the identity of a user to a service provider (see col. 14, lines 20-22). Hidary teaches providing an emergency channel to an emergency service provider when a user requests emergency help (see col. 2, lines 57-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include disclosing the identity of a user to an emergency service provider when a user request emergency help because this would allow for WEB based distribution of advertisements to be bypassed during an emergency situation.

Regarding claim 24 Stewart and Weiland teach a device as recited in claim 16 except for disclosing the identity of a user to an emergency service provider when a user request emergency help. Stewart does teach disclosing the identity of a user to a service provider (see col. 14, lines 20-22). Hidary teaches providing an emergency channel to an emergency service provider when a user requests emergency help (see col. 2, lines 57-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include disclosing the identity of a user to an emergency service provider when a user request emergency help because this would allow for WEB based distribution of advertisements to be bypassed during an emergency situation.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tajima et al U.S. Patent 6,101,381 discloses a telecommunications system, radio base station therof, and portable telecommunication terminal therof.

Rouhollahzadeh U.S. Patent 6,208,866 discloses a system and method for location-based marketing to mobile stations with a cellular network.

Mankoff U.S. Patent 6,385,591 discloses a method and system for electronic organization of coupons.

Rochkind U.S. Patent 5,875,401 discloses a method and apparatus for initiating wireless messages.

Rachabathuni U.S. Patent 6,628,938 discloses a wireless system, a method of selecting an application while receiving application specific messages and user location method using user location awareness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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October 22, 2003

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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